

**Amendment and Response Under 37 C.F.R. 1.116**

Applicant: James Friskel

Serial No.: 10/058,097

Filed: January 29, 2002

Docket No.: 200400110-1

Title: SYSTEM AND METHOD FOR DEVELOPING AND PROCESSING A GRAPHICAL USER INTERFACE FOR A COMPUTER APPLICATION

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**REMARKS**

The following remarks are made in response to the Final Office Action mailed October 27, 2008. Claims 29-32, 34-44, and 46 are pending were rejected. With this Response, none of the claims have been amended, and no new claims are added. Claims 29-32, 34-44, and 46 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 29-32, 34-44, and 46 under 35 U.S.C. § 103(a) as being unpatentable over the Wishoff et al. U.S. Patent Application Publication No. 2002/0070978, further in view of the Ko et al. U.S. Patent No. 6,292,185. Applicant submits here that the features of the claims are not taught or made obvious in the combination of the Wishoff publication and the Ko patent.

The Final Office Action rejected claims 29, 35, and 41 specifically at pages 2-3. Claims 29, 35, and 41 are the independent claims in the present application. The independent claims include the features of “updating said graphics file and said configuration file with the server computer.” These features are not taught or suggested in the Wishoff publication. The Final Office Action, however, states, “The customized graphic file and configuration file are updated with the server (Ko’s 8:30-37).” More particularly, the Final Office Action sets out on page 5, “In response to the argument that Ko does not teach updating the graphic file and the configuration file with the server, the limitation is clearly disclosed by Ko in 8:34-38, wherein graphic file default.xtd and configuration file default.xtc are updated with the server.” Applicant respectfully traverses this conclusion regarding the Ko patent.

Applicant respectfully submits that the Ko patent neither teaches nor makes obvious the claimed features of “updating said graphics file and said configuration file with the server computer.” The portion of the Ko patent cited in the Final Office Action includes “In accordance with the first embodiment, a host server stores information relating to a customized web page with a customized web browser. A new directory on host server 150 is created called, for example, NEW. The data files including default.xtc and default.xtd are stored in the new directory. File config.xtl is updated to indicate a customized web site includes a customized web browser.” Although this cited portion of the Ko patent provides a

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specific teaching of storing several files in a directory on the server, this cited portion of the Ko patent only provides a teaching that only the configuration file is updated. There is simply no teaching that the Ko patent in general of “updating said graphics file . . . with the server computer” as set forth in the claims.

The Ko patent teaches updating the executing program and the configuration file with the server. There is simply no mention of updating the graphics file with the server at the cited portions or otherwise in the Ko patent. Further, the Ko patent is directed at permitting the web designer freedom to customize a web page free of the limits of the browser (see, column 1, lines 45-48), there is a strong inclination for one skilled in the art faced with same problem as the Applicant to read the Ko reference suggesting less, rather than more, updates from the server. Accordingly, Applicant submits that the Ko patent neither teaches nor makes obvious the claime features of “updating said graphics file and said configuration file with the server computer.”

Because these features are not shown or made obvious in either the Wishoff publication or the Ko patent separately, these features cannot be found in any proposed combination of the Wishoff publication and the Ko patent. Accordingly, Applicant submits that independent claim 29, 35, and 41 are patentably distinguishable from the proposed combination of the Wishoff publication and the Ko patent. Applicant respectfully requests withdrawal of this rejection.

Applicant also submits that the depend claims rejected under the combination of the Wishoff publication and the Ko patent are patentable. Claims 30-32 and 34 depend from independent claim 29; claims 36-40 depend from independent claim 35; and claims 42-44 and 46 depend from independent claim 41. The independent claims have been shown to be patentable from the same rejection. The dependent claims 30-32, 34, 36-40, 42-44, and 46 further define features of their respective independent claims. By virtue of their dependency, Applicant submits that these claims are also patentably distinguishable from the combination of the Wishoff publication and the Ko patent. Applicant respectfully requests withdrawal of the rejection of the dependent claims.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to the claims, and request allowance of these claims.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 29-32, 34-44, and 46 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 29-32, 34-44, and 46 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005 or Clare Hartnett at Telephone No. (408) 447-0289, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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